TOWN OF PLYMOUTH
ZONING BOARD OF ADJUSTMENT
PLYMOUTH TOWN HALL
PLYMOUTH, NH 03264

December 2, 2014
DRAFT

Members Present:

Patrice Scott (Chair), Howard Burnham (Vice Chair), Butch Cushing, Freeman Plummer, Omer C. Ahern Jr. (excused)

Others Present:

Brian Murphy, Code Enforcement Officer

Call to Order and Roll Call:

- Patrice Scott opened the meeting at 7:00pm and took roll call of the members present.

Minutes from October 7th, 2014, November 4th, 2014:

- The minutes from October 7th, 2014 are still tabled until the next meeting.
- Patrice Scott noted a correction on the November 4th, 2014 minutes. She noted that Howard Burnham is the Vice Chair.
- Freeman Plummer made a motion to adopt the minutes from November 4th, 2014, seconded by Butch Cushing. All in favor.
- Patrice Scott noted that Tom McGlauflin has been accepted as an alternate to the Board.
- Brian Murphy stated that Tom had a prior engagement for this meeting, however will be attending the next meeting.

Unfinished Business:

Application 212-046-002 ADMINISTRATIVE APPEAL CONTINUANCE REQUEST. The applicant Riverside Landing LLC through his agent, Mark Puffer, Esquire **requests a continuation of this appeal** to a date certain (01/06/2015) by correspondence received

11-18-14. The original public notice and abutter notification for this appeal was accomplished per RSA 676:7.

- Howard Burnham made a motion to approve the continuance, seconded by Freeman Plummer. All in favor.

New Business:

None

Communications and Other Business:

- Patrice Scott noted that the Board now has a new handbook for local officials.
- Brian Murphy stated that this is the latest version and there have been no other flyers or communications delivered for the Board.
- Howard Burnham asked Patrice Scott if she could discuss her meeting with the Selectboard.
- Patrice Scott stated that she went to the Selectboard to ask for their help with finding alternates for this Board. She also discussed with the Selectboard the enforcement mechanisms and was told their inspections are ongoing. She stated that the Fire Chief can decide to do an inspection, however the landlords can decline these inspections.
- Brian Murphy stated that a building permit does grant access. For rental situations the tenants of the property can call the Fire Chief or himself for a health and safety inspections, however there is nothing that opens the door for this. He noted an example of the Fire Chief running through a rotation of yearly inspections of places of assembly or businesses and they comply with this procedure. The landlord, tenant situation is constitutional due to the fourth amendment. On good authority one could obtain a search warrant, however that person would have to meet the evidence rules to obtain such a warrant.
- Howard Burnham stated that if you go on to the PSU website and they note 8 occupants, isn't this enough to search the premises.
- Brian Murphy noted that it really depends on the residence. Some of the properties depending on the type have a higher occupancy and some are also grandfathered in as well.
- Howard Burnham asked if a landlord bought a property that rents to four people and they allow six people could they be inspected.
- Brian Murphy stated yes as they are in violation of the Zoning Ordinance. This is not the only trigger. They would be contacted by a letter from Brian Murphy stated that they are in violation of the Zoning Ordinance and to contact him. It would then be followed by watching the property to make sure the changes are being made before the next step happens.
- Howard Burnham noted there was a problem with 3 Merrill Street. He noted that Stoppe referred to this property as a rooming house and that it is stated otherwise on the PSU website.

- Brian Murphy stated that he had done the inspection on this property and that they conformed to what the Board had determined.
- Patrice Scott mentioned that there was a meeting with the Selectboard and Town Counsel with citizens and their concerns and how to enforce the zoning rules. She noted all Boards were invited to attend and just mentioned this to let everyone know there are other forums to discuss these matters.

Adjournment:

- Freeman Plummer made a motion to adjourn, seconded by Howard Burnham. All in favor.
- Patrice Scott adjourned the meeting at 7:12pm.

Respectfully Submitted,
Lisa Vincent

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